

United States District Court
Northern District of New York

Nichole Renee Whitworth)	Case No.: 5:21-cv-01137-TJM-DJS
<i>Plaintiff,</i>)	
)	Thomas J. McAvoy
vs.)	United States District Judge
)	
Kilolo Kijakazi,)	Daniel J. Stewart
Acting Commissioner of the Social)	United States Magistrate Judge
Security Administration,)	
<i>Defendant.</i>)	

Consent Order for Payment of Fees under the Equal Access to Justice Act

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412) in the amount of five-thousand nine hundred and ninety-five dollars (\$5,995.00).

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to her attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. Astrue v. Ratliff, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

AND, the Court having reviewed the record in this matter;

IT IS on this 7th day of November, 2022;

ORDERED that Plaintiff be awarded fees under EAJA in the amount of \$5,995, and that the fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset, payable to Plaintiff's attorney.

ORDERED that the within matter is dismissed with prejudice.


HON. THOMAS J. MCAVOY
UNITED STATES DISTRICT COURT

The undersigned hereby consent to the form and entry of the within order.

Dated: August 18, 2022

Kilolo Kijakazi,

Nichole Renee Whitworth,

By Her Attorneys,

By Her Attorney¹,

Carla B. Freedman,
United States Attorney

/s/ Lisa G. Smoller

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¹ Signed by Lisa Smoller with Howard Olinsky's permission.